

Remarks

Claims 5, 6, 11, and 16 - 20 are pending. Favorable reconsideration is respectfully requested.

Claims 5, 6, and 20 have been objected to only. These claims have been amended to be independent (5,20), and to include all the limitations of the base claim and any intervening claims, and thus should be allowable. Claim 5 has been amended to include the limitations of claims 1 and 4, and claim 20 has been amended to include the limitations of claim 1. Claim 6 is dependent on 5. Allowance of claims 5, 6, and 20 is solicited.

Claims 11, 12, 16, and 17 have been rejected under 35 U.S.C. § 112. Claim 12 has been cancelled. Claim 11 has been made independent by incorporating the base and intervening claims 1 and 9.

With respect to claim 11, the Office alleges non-enablement. The claim is addressed to one skilled in the art, and is enabled by the language on page 12, line 20, which requires a crosslinker having hydrolyzable groups, language to which claim 11 has been amended. It is respectfully noted, also, that the claim is addressed to one skilled in the art, who is knowledgeable about which groups can crosslink. Second, if the organooxy groups cannot participate, then they are not crosslinking groups and do not fall within the scope of the claim. The claim has been amended to require the crosslinking groups to be hydrolyzable groups, as supported in the specification on page 12, line 20. Examples of such hydrolyzable groups include acetoxo, oximato, alkoxy, etc., as indicated on page 10, lines 13 - 19. The more restrictive silanes cited by the Office from page 13 of the specification, are preferred crosslinkers. Withdrawal of the rejection of claim 11 under 35 U.S.C. § 112 is solicited.

Claims 16 and 17 have been rejected for use of the phrase "less than 1", which should have been "greater than or equal to 1" as supported on page 8, lines 3 - 5 of the specification. The claim has been suitably amended. Applicants apologize for the error, which

was made in the last amendment, which was not noticed until the present rejection, and thus could not have been corrected earlier. Claim 16 has been made independent, and thus claims 16 and 17 should be allowable.

Claims 18 and 19 have been rejected under 35 U.S.C. § 103(a) over *JP '167* in view of *Chung '551* further in view of *Kratel* U.S. 4,317,762. The Office refers to the disclosure of *JP '167* which recites a plasticizer, and cites *Kratel* for disclosing phosphate ester plasticizers. Indeed, plasticizers such as tricresylphosphate have long been used as plasticizers in many polymers.

However, the compounds cited in claims 18 and 19 are not plasticizers, but stabilizers. Moreover, phosphate ester plasticizers such as tricresylphosphate are not within the scope of the stabilizers of claims 18 and 19 because in order to perform their stabilizing function, the esters must be acid, i.e. they must be only partial esters. The claim language is clear in this respect, reciting acid phosphoric esters (not phosphoric acid esters) and acid phosphonic esters. Esters of phosphoric acid or phosphonic acid in which all acidic hydrogens are esterified are not acid; they are neutral compounds, and are not within the scope of the claims. *Kratel* does not disclose, nor does he teach or suggest any acid esters, only full esters. To Applicants' attorney's knowledge, acidic phosphate esters are not used as plasticizers. Di(2-ethylhexyl)phosphate, for example, is strongly acidic, and would likely promote polymer degradation reactions. Claim 18 has been made independent, and thus allowance of claim 18 and dependent claim 19 is solicited.

Applicants expressly do not acquiesce to the rejections of claims 1 - 4 and 7 - 15, but have cancelled these claims in order to expedite prosecution. A further application may be filed with respect to the subject matter of these claims. In particular, the comment of the Office at page 4, last paragraph is noted. While the deactivator can be present in an amount up to 200 mol% based on chain extender, note that on a weight basis, this is a small amount, because the molecular weight of the dihydroxypolysiloxane is very high. Note example 1, where 500 parts dihydroxypolyorganosiloxane are used with more than one equivalent of chain

extender, which is only 4 parts by weight. The isocyanate is only 2 parts by weight, which is 0.4 weight percent based on the reactive ingredients, but only 0.2 weight percent based on all organosilicon compounds. In this very small amount, it is clear that the isocyanate does not function as a scavenger for either water or bound-OH groups, as the amount of these would require a much larger amount of isocyanate.

Applicants submit that the claims are now in condition for Allowance, and respectfully request a Notice to that effect. The amendments are believed to place the remaining claims in condition for allowance and/or to reduce issues for appeal, should appeal be necessary. Amendments to claims 16 - 20 could not have been made earlier as there was no prior rejection of these claims. Entry is therefore respectfully solicited. If the Examiner believes that further discussion will advance the prosecution of the Application, the Examiner is highly encouraged to telephone Applicants' attorney at the number given below.

A check in the amount of \$520.00 is enclosed to cover the Petition fee of \$120.00 and the additional independent claims filing fee of \$400.00. Please charge any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,

Uwe Scheim et al.

By 

William G. Conger

Reg. No. 31,209

Attorney/Agent for Applicant

Date: November 21, 2005
BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351